

PROB 12C
(7/93)

United States District Court
for
District of New Jersey
Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Michael Marchito

Cr.: 04-717-01

Name of Sentencing Judicial Officer: Stanley R. Chesler

Date of Original Sentence: 05/20/05

Original Offense: Conducting a Gambling Business

Original Sentence: Probation 3 years with special conditions for 6 months home confinement, drug testing and treatment, financial disclosure, refrain from gambling and gambling treatment, refrain from incurring any new credit charges, and DNA collection

Type of Supervision: Probation

Date Supervision Commenced: 05/20/05

Assistant U.S. Attorney: Andrew Kogan

Defense Attorney: Jerramiah T. Healy, CJA

PETITIONING THE COURT

- ☐ To issue a warrant
☒ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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- | | |
|---|--|
| 1 | The offender has violated the supervision condition which states ' The defendant shall refrain from the excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances. ' |
|---|--|

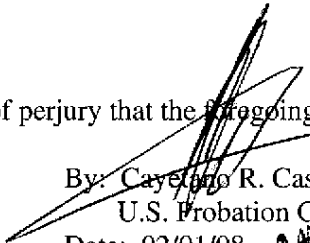

On December 29, 2007, the offender reported to the probation office for a scheduled office visit. Upon detecting the odor of alcohol, a Breathalyzer was administered which yielded a blood alcohol level of .098 which is over the legal limit for driving.

- | | |
|---|--|
| 2 | The offender has violated the supervision condition which states ' The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. ' |
|---|--|

On October 9, 2007, Marchito submitted a urinalysis examination which was sent to the laboratory for analysis (Specimen # C00540006) and later yielded a positive result for cocaine. On December 27, 2007, during an office visit, the offender submitted a urine sample which yielded positive results for cocaine on an instant 5-panel drug test. Upon questioning, the offender admitted to ingesting cocaine on December 21, 2007.

Lastly, Marchito failed to report to random drug testing on December 21, 2007, and January 18, 2008.

I declare under penalty of perjury that the foregoing is true and correct.

By:  R. Castellano
U.S. Probation Officer
Date: 02/01/08 

THE COURT ORDERS:

- ☒ The Issuance of a Summons. Date of Hearing: 2/28/08 at 10:30 a.m.
☒ The Issuance of a Warrant
☐ No Action
☐ Other



Signature of Judicial Officer



Date

UNITED STATES DISTRICT COURT
PROBATION OFFICE
DISTRICT OF NEW JERSEY

CHRISTOPHER MALONEY
CHIEF PROBATION OFFICER

February 1, 2008

DEPUTY CHIEF PROBATION OFFICERS
WILFREDO TORRES
MATTHEW F. MILLER
THOMAS C. MILLER

SUPERVISION UNIT
20 WASHINGTON PLACE
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FAX: (973) 645-2155

The Honorable Stanley R. Chesler
United States District Judge
United States Post Office and District Court
Post Office Box 0999
Newark, New Jersey 07102-0999

RE: MICHAEL MARCHITO
Docket # 04-717-01

REPORT OF VIOLATION CONDUCT
AND REQUEST FOR A HEARING

Dear Judge Chesler:

On May 20, 2005, Your Honor sentenced Michael Marchito to three years of probation following his conviction for operating a gambling business. The following special conditions were also ordered: home confinement six months, drug testing and treatment, financial disclosure, gambling restrictions, no new debt, and DNA collection. On August 15, 2005, Your Honor amended the home confinement condition to six months at a community confinement center (CCC) because Mr. Marchito was unable to secure suitable housing. On September 28, 2005, Mr. Marchito began his halfway house term at the Kintock group located in Newark, New Jersey but was terminated 5 months into his term due to repeated alcohol use. As a result, a violation of probation hearing was held on March 30, 2006, at which time the offender was continued on probation with added special conditions requiring alcohol testing and treatment and anger management counseling.

At this time, we inform that Mr. Marchito has again violated his probation by failing to abstain from drug and alcohol abuse. Attached please find a petition for a summons and violation report which details his non-compliant conduct. We respectfully request that a summons be issued and a court date established.

If there are any questions or concerns, please do not hesitate to contact the undersigned officer at (973) 645-4701. Thank you for your time and consideration.

Respectfully Submitted,


Cayetano R. Castellano
U.S. Probation Officer

CRC/crc
Enclosures